HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 6518 OF 1995

DATED: 14.11.2006

Between:

The Depot Manager, APSRTC

… Petitioner

and

The Labour Court, Anantapur and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.6518 of 1995

ORAL ORDER:

This writ petition of 1995 is by the APSRTC directed against the award of the Industrial Tribunal-cum-Labour Court, Anantapur (for short 'the Tribunal') dated 7.6.1994 in I.A.No.29 of 1992.

The 2nd respondent herein sought adjudication of a dispute relating to his removal from service as a casual conductor with the petitioner-Corporation, by the order dated 13.4.1989.

By the impugned award, the Tribunal while upholding the validity of the enquiry and confirming the disciplinary inquiry conclusion as to the guilt of the workman for cash and ticketing irregularities, for violating the rule of issue and start and for having closed the tray numbers of all denominations in the S.R. up to Stage No.7 without completing the issue to the passengers referred in Charge No.1 and the conclusion in the disciplinary inquiry that the workman was guilty of misconduct under the relevant conduct regulations of the Corporation, nevertheless interfered with the quantum of punishment on the ground that it was disproportionate to the gravity of the misconduct alleged and found. The Tribunal went

into the fact of the relatively clean past record of the workman and also that since the total amount of misconduct involved was only Rs.10/-, the punishment of removal was disproportionate and accordingly directed that the workman be appointed as a casual conductor afresh.

This court is not called upon to go into the merits of the adjudication and determination by the Tribunal in this writ petition as the petitioner failed to serve notice in this writ petition on the 2nd respondent-workman at whose instance the award was passed in I.D.No.29 of 1992.

The writ petition is therefore dismissed. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 14.11.2006
cvm